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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,145	09/14/2006	Hiroynki Takahashi	279408US3PC'T	7135
22850	7590	01/25/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.				
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
EXAMINER				
WRIGHT, MADISON L				
ART UNIT		PAPER NUMBER		
3781				
NOTIFICATION DATE		DELIVERY MODE		
01/25/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/552,145

**Applicant(s)**

TAKAHASHI, HIROYUKI

**Examiner**

Madison L. Wright

**Art Unit**

3781

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 18 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/06/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 102*

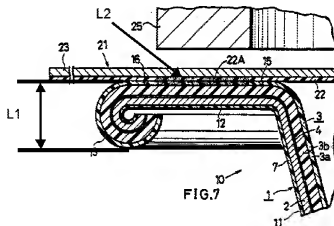
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,098,751 to Tamura et al. ("Tamura").

This figure, now referred to as annotated Fig. 7, used for the rejection of claim 13 has been replicated below, and the Examiner has added reference points for ease of explanation, and said reference points will be used for the rejection of claim 13 below.



As to claim 12, Tamura teaches a container that is molded from a multilayer sheet having a peeled surface on an inner layer, comprising: an opening from which a content is filled (Fig. 1); and a flange (flange 12) extending

outward from a circumference of the opening (Fig. 1), wherein on an outer end surface of the flange, an end of an innermost layer (first resin layer 3a) disposed on an inner side of the container including an upper surface of the flange extends over an edge of the peeled surface (portion 22A) formed on the flange toward a bottom side of the container (Fig. 7).

As to claim 13, Tamura teaches the container according to claim 12, wherein an extending dimension (L1, annotated Fig. 7) of the end of the innermost layer of the flange is no less than 1.2 times as large as a distance (L2, annotated Fig. 7) between an upper surface of the innermost layer and the peeled surface of the flange.

As to claim 14, Tamura teaches the container according to claim 12, wherein the peeled surface is formed by layer peeling generated between the innermost layer and an adjacent layer adjacent to the innermost layer (col. 7, lines 61-68 and col. 8, lines 1-7) or by cohesive failure generated within the adjacent layer, and a ringed notch (annular incision 15) is formed along the opening on the innermost layer of the flange (Fig. 2).

As to claim 15, Tamura teaches a packaging body comprising: a container (Fig. 1) that is molded from a multilayer sheet having a peeled surface (portion 22A) on an inner layer (first resin layer 3a), the container including an opening from which a content is filled (col. 7, lines 51-55) and a flange (flange 12) extending outward from a circumference of the opening (Fig. 1); and a lid (lid 21) that is welded to the flange of the container (col. 7, lines 51-60), wherein on an

outer end surface (curled edge 13) of the flange, an end of an innermost layer disposed on an inner side of the container including an upper surface of the flange extends over an edge of the peeled surface formed on the flange toward a bottom side of the container (Fig. 7).

As to claim 16, Tamura teaches the packaging body according to claim 15, wherein a seal resin welding the lid to the flange is melted and flowed to an outer surface of the end of the innermost layer at least on an opening part of the lid (col. 7, lines 51-60).

As to claim 17, Tamura teaches the packaging body according to claim 15, wherein a ringed notch (annular incision 15) is formed on the flange (flange 12) of the container, and the lid is welded to an outer circumferential side of the notch with a space of 0.2 mm or more (Fig. 7).

3. Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,178,293 to Suzuki et al. ("Suzuki").

As to claim 19, Suzuki teaches a manufacturing method of a container that is molded from a multilayer sheet (multilayer sheet 31) having a peeled surface on an inner layer and includes: a container body (col. 9, lines 19-25) having an opening from which a content is filled (Fig. 1); and a flange (flange 4) extending outward from a circumference of the opening of the container body with the peeled surface being formed (Fig. 1), the method comprising: forming the container body from the multilayer sheet (col. 9, lines 19-25); and setting a

cutting die (mold 111) on a surface opposite to an innermost layer (inner surface layer 1) located on an inner side of the container body to die-cut the multilayer sheet at an outer circumference of a part corresponding to the flange (Fig. 6).

As to claim 20, Suzuki teaches the manufacturing method of the container according to claim 19, wherein an outer side of the part corresponding to the flange of the multilayer sheet is supported and the cutting die is actuated (Fig. 6).

As to claim 21, Suzuki teaches the manufacturing method of the container according to claim 20, wherein when the outer side of the part corresponding to the flange of the multilayer sheet is supported (Fig. 6), the part is supported by biasing from a side opposite to the innermost layer (Fig. 6).

#### ***Allowable Subject Matter***

4. Claims 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue

requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent No. 5,316,603 to Akazawa et al. discloses an easily openable sealed container and process for producing the container.
- U.S. Patent No. 5,281,453 to Yamada et al. discloses a multilayer composites and easily openable containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madison L. Wright whose telephone number is 571-270-7427. The examiner can normally be reached on Monday thru Friday, 8:00 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781

/M. L. W./  
Examiner, Art Unit 3781